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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/692,282	10/19/2000	Roger A. Morton	81517AJA	5285

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PATENT LEGAL STAFF
EASTMAN KODAK COMPANY
343 STATE STREET
ROCHESTER, NY 14650-2201

EXAMINER

KASSA, YOSEF

ART UNIT	PAPER NUMBER
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2625

DATE MAILED: 02/19/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/692,282

Applicant(s)

MORTON, ROGER A.

Examiner

YOSEF KASSA

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because the abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buhr et al (U.S. Patent 5,528,339), and further in view of Lippincott (U.S. Patent 6,459,825).

With regard to claim 1, Buhr discloses defining desired values, i.e., parameters which are recorded, for at least two image look, i.e., scene elements, parameters associated with the desired image look (see col. 18, lines 47-55); sensing data which correlates to the values of the defined image look parameters for the digital source

image data (see col. 4, lines 51-61); and modifying the digital source image data to provide digital output image data at the specified point (see col. 18, lines 50-58).

Buhr does not explicitly call for at least one image look parameter value closer to the defined image look parameter value associated with the desired image look. In the same field of endeavor, However, Lippincott discloses this feature (see col. 5, lines 5-17). At the time of the invention, it would have been obvious to incorporate the step of automatic image scanning system as thought by Lippincott in the system Buhr, because Lippincott provides Buhr a system of a photo image scanner where the maximum optical film quality is maintained or enhanced by image scanning, not degraded or made to extenuate film noise artifacts degraded.

With regard to claim 2, Buhr discloses the desired image look parameters are defined with respect to an image to be displayed (see col. 28, lines 15-26), after further processing of the digital output image data downstream of the modifying step, further comprising providing information on the characteristics of the downstream processing, and wherein the modifying step is designed to compensate for effects of the downstream processing on the, desired image look parameters (see col. 36, lines 57-63).

With regard to claim 3, Buhr discloses verifying whether the image look parameter values of the digital output image data provide a desired image look displayed at the end of the imaging step chain (see col. 28, lines 15-22).

With regard to claim 4, Buhr discloses modifying the digital source image data to provide digital output image data with at least one image look parameter value closer to

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the defined image look parameter value associated with the desired image look in response to the verifying step (see col. 4, lines 51-61).

With regard to claim 5, Buhr discloses the digital source image data is first modified to provide digital output image data with image look parameter values corresponding to a defined reference look, and the digital output image data is subsequently modified to provide digital image data with image look parameter values corresponding to a desired image look distinct from the defined reference look (see col. 9, lines 17-29).

With regard to claim 6, Buhr discloses desired values for at least three image look parameters associated with the desired image look are defined (see col. 8, lines 50-60).

Claim 7 is similarly analyzed as claim 6.

With regard to claim 8, Buhr discloses the digital source image data represents an original scene image captured with an electronic camera (see col. 9, lines 2-21).

With regard to claim 9, Buhr discloses the digital source image data represents an original scene image captured on photographic film which has been scanned (see col. 4, lines 19-30).

With regard to claim 10, Buhr discloses the values of the defined image look parameters are sensed for the digital source image data by measuring characteristics of both the actual image and characteristics of test images that are part of a particular scene (see col. 4, lines 51-54).

With regard to claim 11, Buhr discloses verifying whether the image look parameter values of the digital output image data provide a desired image look displayed at the end of the imaging step chain (see col. 28, lines 19-26).

Claim 12 is similarly analyzed as claim 4.

Other Prior Art Cited

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. (5,442,407) to Iu discloses video signal noise reduction system...

US Patent No. (5,383,027) to Harvey discloses portrait printer system with digital image processing editing.

US Patent No. (6,532,079) to Serex et al discloses method for processing images and device for implementing same.

US Patent No. (5,801,856) to Moghadam et al discloses secure photographic systems.

US Patent No. (6,271,940) to Deschuytere et al discloses color negative scanning and transforming onto colors of original scene.

US Patent No. (6,242,166) to Irving et al discloses packaged color photographic film comprising...

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOSEF KASSA whose telephone number is (703) 306-5918. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BHAVESH MEHTA can be reached on (703) 308-5246. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9306 for regular communication and (703) 872-9306 for after Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is (703) 306-5631. The group receptionist number for TC 2600 is (703) 305-4700.

PATENT EXAMINER

Yosef Kassa

02/13/04.


BHAVESH M. MEHTA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600